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## **Chapter 18. Miscellaneous**

### **Sec. 18.1. Tense.**

Except as otherwise specifically provided or indicated by the context, all words used in this charter indicating the present tense shall not be limited to the time of the adoption of this charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made therein, either as a power, immunity, requirement, or prohibition.

### **Sec. 18.2. Headings.**

The chapter and section headings used in this charter are for convenience only and shall not be considered to be a part of this charter.

### **Sec. 18.3. Effect of illegality of any part of charter.**

Should any provision or section, or portion thereof, of this charter be held by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such holding shall not be construed as effecting the validity of this charter as a whole or of any remaining portion of such provision or section, it being hereby declared to be the intent of the charter commission and of the electors who voted thereon that such unconstitutionality or illegality shall not effect the validity of any other part of this charter except that specifically affected by such holding.

### **Sec. 18.4. Amendments.**

This charter may be amended at any time in the manner provided in Act No. 279 of the Public Acts of 1909, as amended. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

Schedule

### **Sec. 1. Election to adopt charter.**

This charter shall be submitted to a vote of the qualified electors of the City of Midland at a special city election to be held on Tuesday, November 7, 1944. If this charter is adopted at such election, it shall, except for the purpose of the election of the first officers under this charter, take effect and become the charter of the City of Midland on Monday, April 9, 1945, at 12:00 o'clock noon.

### **Sec. 2. Form of ballot.**

The form of the ballot on submission of this charter shall be as follows:

Instruction--A cross (X) in the square before the word "Yes" is in favor of the proposed charter, and a cross (X) in the square before the word "No" is against the proposed charter.

"Shall the proposed charter of the City of Midland, drafted by the Charter Commission which was elected on April 3, 1944, be adopted?"

Yes

No

**Sec. 3. First election under this charter.**

For the purpose of electing the first city officers of the city under this charter, Chapters 1, 3 and 10 of this charter and Sections 4 and 5 of this schedule shall become effective on January 1, 1945.

**Sec. 4. First elective officers under charter.**

The first election of officers under this charter shall be held on Monday, April 2, 1945, at which election there shall be elected five (5) Councilmen, and one (1) Constable, who shall in each case serve for terms beginning on the 9th day of April, 1945, and terminating on November 12, 1946, or until such time thereafter as their successors shall qualify and assume the offices to which they are elected. The primary for such election shall be held on Monday, February 19, 1945. At the regular biennial city election in 1946, a Municipal Judge shall be elected who shall assume office on the date and serve for the term prescribed in Chapter 9 of this charter. The terms specified in this section are for the purpose of bridging the transition from the schedule of terms of office in the prior charter of the city and those herein provided.

**Sec. 5. Administrative and other officers.**

If this charter is adopted at the election thereon, the terms of office of the Mayor, each alderman, and each supervisor of the city, holding office by virtue of election or appointment under the former charter of the city and of the City Clerk and City Treasurer, shall terminate on April 9, 1945, at 12:00 noon. The persons holding the last two such offices under the former charter of the city shall thereupon assume the offices of the Clerk and Treasurer, respectively, under this charter and shall hold such offices on the same basis as though they had been appointed thereto in the manner provided in this charter. All other administrative officers and employees of the city shall continue in the respective offices and employment held by them at the time this charter becomes effective, and shall be subject to the provisions thereof.

**Sec. 6. Status of schedule chapter.**

The purpose of this schedule chapter is to inaugurate the government of the City of Midland under this charter and it shall constitute a part of this charter only to the extent and for the time required to accomplish that end.

**Resolution of Adoption**

At a meeting of the Charter Commission of the City of Midland held on the 29th day of August, 1944, the following resolution was offered by Commissioner Nicholas:

Resolved that the Charter Commission of the City of Midland does hereby adopt the foregoing proposed charter of the City of Midland, and the Clerk of this Commission is directed to transmit a copy thereof to the Governor of the State of Michigan for his approval in accordance with state law.

The resolution was seconded by Commissioner Thompson and adopted by the following vote:

Yeas: Commissioners Baker, Hunter, Groening, Nicholas, Robertson, Thompson, Towsley, Winston, and Bandeen, chairman.

Nays: None.

The chairman declared the foregoing resolution carried unanimously and requested the members of the Charter Commission to authenticate said resolution and also the copy of the charter to be presented to the Governor and filed with the City Clerk by attesting their names thereto in the following manner:

Attested by Commissioners:

WILLIAM J. BAKER WILLIAM A. GROENING RALPH M. HUNTER REV. V. V. NICHOLAS  
KARL B. ROBERTSON FRANK F. THOMPSON WILBUR D. TOWSLEY ARTHUR W.  
WINSTON ORREN I. BANDEEN, Chairman

All of the Commissioners having attested as to said resolution as above and also having attested the copy to be signed by the Governor, the meeting adjourned subject to the call of the chairman.

STATE OF MICHIGAN :

:SS

COUNTY OF MIDLAND :

Anna E. Coons, Clerk of the Charter Commission of the City of Midland, being duly sworn says that at an election duly called and held in the City of Midland on the 3rd day of April, 1944, the following named persons were duly elected as a Charter Commission to frame a revised charter for the City of Midland, namely:

William J. Baker, Orren I. Bandeen, Chairman, Ralph M. Hunter, William A. Groening, Rev. V. V. Nicholas, Karl B. Robertson, Frank F. Thompson, Wilbur D. Towsley, Arthur W. Winston, and that the annexed and foregoing charter, duly framed and, by the foregoing resolution, adopted by said Charter Commission, is a true and correct copy thereof, and that the said Charter Commission directed that said charter be presented to the electors of the City of Midland in accordance with the requirements of the laws of the State of Michigan which provide therefor.

ANNA E. COONS, Clerk of the Charter Commission of the City of Midland

Dated: August 30, 1944

Subscribed and sworn to before me this 30th day of August, 1944.

ARTHUR SEGERLUND Notary Public, Midland County, Mich. My commission expires Jan. 24, 1947.

I do hereby approve the above and foregoing charter of the City of Midland. Dated: September 6, 1944.

HARRY F. KELLY Governor of the State of Michigan.

I, ANNA E. COONS, City Clerk of the City of Midland. Michigan, hereby certify that the foregoing is a true copy of the revised charter of the City of Midland, duly adopted at an election held November 7th, 1944, in the City of Midland.

I further certify that the vote upon the proposition to adopt said revised charter was as follows:

YES--3,516

NO--1,189

I further certify that the vote was canvassed and approved by the Council of the City of Midland on November 10, 1944.

I further certify that two copies of this charter were filed with the County Clerk of Midland County and a like number with the Secretary of State of Michigan on November 21, 1944.

ANNA E. COONS, City Clerk.

January 5, 1945